

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MUTUAL OF ENUMCLAW, as subrogee
for MALCOLM KEITHLEY and MARCIA
KEITHLEY, husband and wife; and
MALCOLM KEITHLEY and MARCIA
KEITHLEY, husband and wife as
their marital community,

Plaintiffs,

v.

SUNBEAM PRODUCTS, INC., a foreign
corporation doing business in
Douglas County, Washington,

Defendant.

No. CV-06-0185-FVS

ORDER GRANTING MOTION FOR
PARTIAL SUMMARY JUDGMENT

THIS MATTER comes before the Court on the Defendant's Motion for Partial Summary Judgment, Ct. Rec. 23. The Plaintiffs having withdrawn their opposition to the Defendant's motion, the Court holds that the Plaintiffs, Malcolm and Marcia Keithley, may not recover damages on the basis of emotional distress. Accordingly,

IT IS HEREBY ORDERED:

1. The Defendant's Motion For Partial Summary Judgment, **Ct. Rec. 23**, is **GRANTED**.

3. The Plaintiffs' Motion to Strike Summary Judgment Hearing, **Ct. Rec. 69**, is **GRANTED**.

4. The hearing on the Defendant's Motion for Partial Summary Judgment set for September 26, 2007 at 1:30 p.m. is **STRICKEN**.

1 **IT IS SO ORDERED.** The District Court Executive is hereby
2 directed to enter this order and furnish copies to counsel.

3 **DATED** this 28th day of September, 2007.

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5 s/ Fred Van Sickle
6 Fred Van Sickle
7 United States District Judge
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